



REGULATORY SERVICES COMMITTEE

21 February 2013

REPORT

Subject Heading:

P1534.12 Former Amberley House, New Road, Rainham

Proposed residential development comprising 51 units together with associated amenity space, car parking and cycle parking, vehicle access, hard and soft landscaping, pumping station and associated works. (Revised Plans received 6/2/2013)

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the erection of 51 houses. The proposal would include parking spaces, private and communal amenity spaces, cycle storage, bin refuse/recycling storage, a pumping station, and associated works. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions, no call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive and the completion of a legal agreement.

RECOMMENDATIONS

(A)

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 5,769m² and amounts to £115,380.

That the proposal is unacceptable as it stands but would be acceptable subject to

- a) No call in of the application by the Secretary of State as a result of a request from the Health and Safety Executive;
- b) the prior completion of a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
 - The sum of £229,500 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
 - The delivery of 100% affordable housing for affordable rent;
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
 - The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That subject to no objections being received from the owners of the land following the service of notice in the local press, that Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications as listed above on this decision notice.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

3. Drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying Secondary Aquifer. The design of SuDS and other infiltration systems should include appropriate pollution prevention measures. Infiltration will only be permitted through the proposed swale once it has been demonstrated that there is no contamination present.

4. Drainage - The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 12 December 2012, reference number 2983 (Final) compiled by Templeman Design and the following mitigation measures detailed within the FRA:

1) on site attenuation will be provided by green roofs on low and accessible roofs such as cycle stores, bio retention swales (section 4.3 on page 19, section 4.6 on page 20);

2) limiting the surface water discharged from the site, generated by the 1:100 year event with an allowance for climate change to a maximum of 76.5 litres per second (section 4.10, page 21);

3) the finished floor levels and footpaths of the proposed dwellings will be above the 1 in 1000 year modelled flood level of 2.77 metres Above Ordnance Datum (mAOD) (section 5.4, page 24);

4) access roads will be set a minimum of 1.99 metres AOD, 600mm above the 1 in 100 year levels of 1.39 m AOD (section 5.4, page 24);

5) the surface water swales and bio-retention systems will be maintained by the site owners (Circle Housing) (section 6.4 page 27);

The mitigation measures shall be fully implemented prior to occupation or any other timescale agreed with the Local Authority.

Reason: To ensure that surface water is managed in the most sustainable way practicably possible. To ensure compliance with Policy 5.13 of the London Plan and to protect the future occupants of the site from flooding.

5. Ecology - No development shall take place until a scheme for the provision and management of the agreed buffer zone alongside the Pooles Sewer has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and shall be maintained following implementation in accordance with the approved scheme; and could form a vital part of green infrastructure provision. The scheme shall include:

1) a clearly marked drawing showing the width of the buffer zone to the Pooles Sewer along the length of the site;

2) details of native planting within the buffer zone and reed planting within the swales. The scheme shall also include details of appropriate in channel planting;

3) a drawing demonstrating that lighting will not exceed a lux level of 2 within the buffer zone;

4) details of the proposed gradient(s) of the re-graded river bank and any in channel works, including marginal planting;

Reason: To protect and improve the ecological value of the Pooles Sewer and the river corridor.

6. Ecology - No development shall take place until a plan detailing the protection and improvement measures to the population of Water Voles and their associated habitat during construction works and once the

development is complete is submitted to and approved in writing by the Local Planning Authority. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect Water Voles during the construction of the development and to ensure their habitat is improved as a result of this development.

7. Ecology - No further development shall take place until a scheme is submitted for approval in writing by the Local Planning Authority detailing the wildlife habitat measures to be incorporated into the development. These measures should include bat and bird boxes. The development shall be undertaken in accordance with the approved details prior to first occupation and retained as such for the life of the development.

Reason: In the interests wildlife and to compensate for any potential loss of habitats that might have arisen from the unauthorised demolition of the site's former buildings.

8. Archaeology - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and the NPPF.

9. Road Construction – None of the units hereby permitted shall be occupied until a suitable vehicular access from New Road has been constructed and all related highway agreements have been secured.

Reason: To ensure that the site is properly accessed in the interests of highway safety and function.

10. Car parking - Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be

retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

11. Disabled parking - Before the buildings hereby permitted is first occupied provision shall be made within the site for 5 disabled car parking spaces in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure adequate on-site parking is available for the disabled

12. Car Park Management Scheme - Within 3 months of commencement of development a car parking management scheme for the development shall be submitted to the Local Planning Authority for approval in writing. The details shall include the measures to be used to manage the car parking areas. The car parking management scheme shall be provided in accordance with the approved details prior to the first occupation of the development. The scheme shall be permanently maintained thereafter.

Reason: In the interests of highway safety.

13. Electric Vehicle Charge Points: Within 3 months of the commencement of development a scheme for the provision of electric vehicle charging points shall be submitted for written approval by the Local Planning Authority. Such scheme shall allow for the active provision of at least 20% of the car parking spaces with electric vehicle charging points (EVCP) and be capable of future adaptation to provide a further 20% of the spaces with EVCP should such demand arise in the future.

Reason: In order to ensure that the development adequately incorporates measures to enable the use of electric vehicles by occupiers in accordance with London Plan policy 6.13.

14. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

15. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

16. Play Area Design - Within 3 months of the commencement of development, a scheme for the design of the proposed play area within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the area measurement of the proposed play area/s, perimeter fencing, gates and surface materials and play equipment. The approved scheme shall be implemented prior to first residential occupation of the development and permanently retained and maintained thereafter.

Reason: In the interests of amenity and so that the development accords with Development Control Policies Development Plan Document Policy DC61 and the Mayor of London's Supplementary Planning Guidance – Providing for Children and Young People's Play and Informal Recreation – March 2008

17. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

18. Cycle storage - Prior to the completion of development, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

19. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

20. External Lighting – Within 3 months of commencement of development, a scheme for the lighting of all public areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full prior to the first dwelling being occupied. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times thereafter.

Reason: In the interests of highway safety, public amenity and nature conservation and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

21. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

22. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

23. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls (using best practicable means) and monitoring proposals
 - d) Details of access points to the site and routes within and to the site for construction vehicles, booking systems, scope for load consolidation,;
 - e) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - f) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - g) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 24 Wheel Washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason:- In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

25. Land contamination - No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority (a Phase I site investigation having already been submitted to the Local Planning Authority).

1) A phase II site investigation and a detailed quantitative assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of surface water, the Drain/New Sewer (main river) and groundwater contained within the Secondary Aquifer located beneath the site.

26. Land Contamination - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater quality within the vicinity of the site. To ensure that any previously unidentified contamination found at the site is investigated and disposed of appropriately.

27. Pipeline – No development shall take until a report on the need for a scheme of pipeline risk mitigation measures for the Mardyke–Fords Dagenham Pipeline has been submitted to and approved in writing by the local planning authority in consultation with National Grid and the Health and Safety Executive. If mitigation is found to be required, the mitigation measures chosen should be justified on the basis of existing risk, the extent to which the risk needs to be reduced, the benefits from each measure (to be derived from IGEM/TD/2), and the practicality of implementation of each measure.. Development shall be carried out in accordance with the

approved details which shall be completed prior to first residential occupation.

Reason: In the interest of health and safety and in accordance with the principles of risk management found in the HSE's PADHI system of risk advice.

28. Sound attenuation – The approved development shall be undertaken in accordance with the sound attenuation measures detailed in the submitted acoustic report (JAK7167 12 December 2012/Rev5) and retained as such for the life of the development.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

29. Removal of Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A - F, no enlargement, roof alteration, porch, out building or hard surface shall be constructed or take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 15th March 2013 that authority be delegated to Head of Development and Building Control to decide whether planning permission should be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing and for meeting the necessary infrastructure costs arising from the development.

INFORMATIVES

1. In order to discharge the surface water drainage component of condition 4, the following information must be provided based on the agreed drainage strategy:
 1. A clearly labelled drainage layout plan showing pipe networks and any attenuation swales or areas of green roofs. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Confirmation of the critical storm duration.
 3. Where on site attenuation is achieved through swales or cellular storage systems, calculations showing the volume of these are also required.
 4. Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge clearly stated.
 5. Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy
2. Framework Technical Guidance. If overland flooding occurs on the site in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding. Any overland flooding must be contained within the site.
 3. The applicant is advised that planning permission may not provide all of the necessary statutory authorities, licences or permissions that may be required under separate statutory frameworks to lawfully carry out and implement the proposal.
 4. In aiming to satisfy condition 21 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
 5. Reason for Approval:

The proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC6, DC7, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. The proposal is compliant with Policy SSA 12 to the extent that the area subject to that policy identifies the former Carpetright site as a whole and includes an area which is subject to proposals for education use. The proposed uses of the site specific allocation in policy SSA 12 is therefore not for single use. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a 1.15ha area of cleared land that was formerly occupied by the Carpet Right warehouse building, known as Amberley House, but which is now an area of hardstanding. The site forms the eastern half of the former Carpet Right site, with the western half having outline planning permission for the erection of a new further education campus. The site's northern boundary lies adjacent to New Road (A1036); the eastern boundary adjoins a watercourse known as Poole's Sewer, beyond which are industrial premises; the western boundary adjoins land intended for the development of a further education college; whilst the southern boundary adjoins land associated with Burnside House, which is a construction college, and which would be turned into a car park as part of the afore mentioned college development.
- 1.2 Beyond the site boundaries, the industrial premises located to the east are within 5m of the site boundary; mainline railway lines are located between approximately 70m and 100m to the south; and the Riverside Sewage Treatment Works are located approximately 150m to the south. The site entrance would be located approximately 0.6 miles from Rainham railway station.
- 1.3 As discussed, land immediately to the west and south of the site has outline planning permission (see Section 3 of this report) for the development of a further education campus. Assuming reserved matters consent were to be granted and the development brought forward, then the land immediately to the south of the site would be used as car park. The new college buildings to be developed to the west of the site would be located approximately 21m from the nearest dwellings being proposed as part of this application, and would be up to 17m in height.
- 1.4 The site is located in the Rainham West Site Specific Allocation area and is designated in Havering's Strategic Flood Risk Assessment as being in Flood Zone 3. There are three high pressure gas pipelines in close proximity to the site: the Horndon to Barking and Romford-Baker Street pipelines, which run in an east west direction, within the railway land to the south of the site; along with the Ford-Mardyke pipeline to the north of the site. The site is located within the HSE consultation zones for all three pipelines.

2. Description of Proposal

- 2.1 This planning application proposes the erection of 51 dwellings, forming four separate, linear blocks around a rectangular layout. The northern block would be a three storey building comprising seventeen apartments; the western and eastern blocks would each form a terrace of thirteen, three storey units; whilst the southern block would comprise a terrace of eight, two storey units. Each of the four blocks would have a mono pitched roof.
- 2.2 The four blocks would each be bounded by an internal access road, which would form a one way loop around the proposed development. The main site access from New Road, which would proceed down the western side of the site, would be shared with the proposed further education college. Each of the units would benefit from one car parking space, with vehicular parking running alongside the internal access road.
- 2.3 Private amenity spaces would be provided to the rear of the proposed houses, whilst the proposed apartments would benefit from private gardens at ground floor level, and rear balconies for the upper floor units. Communal amenity spaces, including a children's play area, would be provided at the northern end of the site.
- 2.4 The proposed houses would comprise 26 four bedroomed units and 8 three bedroomed units. The proposed flats would include 12 two bedroomed units, 4 one bedroomed units, and 1 four bedroomed unit. The units would range in size from 60.9sqm net internal area to 125.8sqm. The main cladding material would be brick.
- 2.5 The proposal is for 100% affordable rented dwellings, and the dwellings, owing to their sustainable design, would achieve a very high level of energy efficiency. The application also proposes hard and soft landscaping works, the re-grading of the adjoining watercourse and the creation of a landscaped buffer zone, and the construction of an internal site access road.

3. Relevant History

- 3.1 There are no previous planning decisions of particular relevance to this application at the site.
- 3.2 On the adjoining land, located to the west of the site, the following planning decisions/applications are of relevance:

P1473.12 - Application for reserved matters pursuant to outline planning permission U0014.09 as amended by section 73 permission P1127.12 and extension of time planning application P1371.12 (layout, scale, appearance, landscaping) for phase 1 comprising 3803sqm of new floorspace for class D1 education use, 52 new parking spaces and associated works – Under consideration .

P1371.12 - Extension of time limit on outline planning application U0014.09 - redevelopment to provide 11,800 sqm D1 education use with ancillary sporting facilities, new vehicular access arrangements and parking for 200 cars – Under consideration.

P1127.12 - Application for removal and variation of conditions attached to outline planning permission U0014.09 (Redevelopment to provide up to 11,800sqm education use with ancillary sporting facilities, new vehicular access arrangements and parking for up to 200 cars) to facilitate the delivery of the proposed development in phases. Variation of conditions 1, 4, 5, 7, 8, 9, 11, 12, 13, 15, 17, 18, 19, 21 and 23, and removal of condition 10 – Under Consideration

P0459.12 - Construction of access road and new junction to serve future development of college and residential dwellings (subject to separate planning applications). – Under consideration

U0014.09 - Outline application for demolition of warehouse and construction of new educational and ancillary indoor sport facilities (use class D1) and creation of new vehicular access and associated works – Approved.

4. Consultations/Representations

4.1 The applicants have identified an area of the site in unknown ownership and have therefore undertaken a publicity exercise in the local press in accordance with the Town and Country Planning regulations. This publicity period will not end until after the Planning Committee meeting.

4.2 Neighbour notification letters have been sent to 169 local addresses. No representations have been received. The application has been advertised on site and in the Recorder as a major development.

4.3 Comments have been received from the following:

The Environment Agency - No objections; conditions recommended in relation to flood risk, drainage arrangements, and ecological enhancement measures.

Health and Safety Executive - The proposal has been considered using PADHI+, the HSE's planning advice software tool. The assessment indicates that the risk of harm to people at the proposed development arising from the high pressure gas pipelines is such that HSE's advice is that there are sufficient reasons, on safety grounds, for Advising Against the granting of permission.

Crime Prevention Design Advisor -No objections; condition recommended.

Essex & Suffolk Water - No objections.

Thames Water – Objection raised on the grounds that the proposal would be in close proximity to the Riverside Sewage Treatment Works, which could, as a result of odour, result in significant adverse impacts on the amenities of future occupiers.

Environmental Health (Noise) - no objections, subject to compliance with the submitted acoustic report.

Environmental Health (Contaminated Land) - No objections; condition recommended.

Highway Authority - Comments awaited.

English Heritage - No objections; condition recommended.

National Grid - No objections raised at this stage, but further comments will be received once notification is given of the Council's proposed decision.

London Fire and Emergency Planning Authority - Comments awaited.

Transport for London – No objections, conditions requested.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.12 (flood risk management), 5.13 (sustainable drainage), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP17, DC2, DC6, DC7, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Site Specific Allocations DPD (“the DPD”) Policy SSA12, Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and

Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, health and safety, highway and parking issues, community infrastructure, and other considerations.

6.2 Principle of Development

6.2.1 The site is located in the Rainham West Site Specific Allocation area. Policy SSA12 of the DPD states that residential and other uses will be allowed in this area. Whilst this policy states that single use applications will not be acceptable in relation to the Carpet Right site, the proposal would only occupy roughly half of this site, with the other half having been the subject of separate permissions for an education development. The proposal is considered to be in accordance with Policy SSA12, and is therefore acceptable in principle.

6.3 Design Considerations

6.3.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development. Policy SSA12 requires that new buildings should be predominantly three storeys high.

6.3.2 The site is located in a broadly industrial area, forming part of a site specific policy area, for which it is the Council's objective to encourage redevelopment, introducing a mix of new uses, including residential. As the site is one of the first in the Rainham West area to be redeveloped, there are few immediate precedents on which to judge the appearance of the proposed development.

6.3.3 The application proposes blocks of terraced housing and a block of apartments, which would have mono pitched roofs and brick cladding. The northern block, comprising the apartments, would have a maximum height of approximately 11.5m; the eastern and western blocks around 10.4m; and the southern block approximately 7.6m. The design of the residential blocks is intended to reflect the urban, brick terraces of London. It is considered that the design of the proposal would not be detrimental to, but would improve, the character of the area. Moreover, given that the development consists entirely of two and three storeys buildings it is in accordance with that element of Policy SSA12.

6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type,

number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed cycle and refuse storage arrangements, and the proposed use of cladding materials.

6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered that, subject to the afore mentioned conditions, the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy SSA12 of the Site Specific Allocations DPD.

6.4 Layout and Amenity Considerations

6.4.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough, which in this case is supplemented by Policy SSA12. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

6.4.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.

6.4.3 The proposed development would have a density of approximately 45 dwellings per hectare, based on a site area of 1.15ha, which includes the access roads and amenity spaces. This is in accordance with the site density of 30-150 dwellings per hectare recommended in Policy SSA12. However, this assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular.

6.4.4 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private gardens for the houses and ground floor flats, along with balconies for the upper storey apartments. The proposal would also include communal amenity space at ground level, including 380sqm of communal and children's play spaces at the northern end of the site. The average, private garden size would be approximately

46sqm in area. It is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.

- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any significantly unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the western and eastern terraced houses would be approximately 19m; between the southern terrace of houses and the rear gardens of the aforementioned blocks, would be a distance of around 8m. There would be a distance of approximately 8m between the rear elevation of the apartment block, with its balconies, and the rear gardens of the eastern and western blocks.
- 6.4.6 It is considered that there would be a degree of overlooking and therefore loss of privacy arising from the location of the southern block, and the northern block in particular, in relation to the rear gardens of the ground floor flats and the gardens of the eastern and western terraces. However, it is acknowledged that an element of overlooking is to be expected in a compact, urban housing design, where the main design influence is based on London terraced housing. The various other requirements of the site layout, including the provision of communal amenity spaces, car parking, access roads, and a stand off from the eastern water course, are such that a more compact layout is called for in order to further the viability of a scheme that would include 100% affordable housing. It is therefore considered that there are material considerations that outweigh the potential overlooking that future occupiers may experience.
- 6.4.7 The proposed dwellings would be located in close proximity to more disruptive land uses, although the Council's objectives for this area are that the neighbouring industrial sites, located within the Rainham West site allocation, will be redeveloped in future. The eastern block of houses would be located approximately 30m from industrial uses taking place at the Dover's Corner estate; the apartments would be located approximately 34m from New Road; the southern block would be located around 21m from a proposed car park associated with the new college; whilst the western block of houses would be located approximately 21m from the proposed new college buildings, and would be located alongside the access road to be shared between the proposal and the new campus.
- 6.4.8 In terms of noise impacts, the Council's Environmental Health officers are satisfied that the proposal would provide sufficient sound attenuation for the benefit of future occupiers. A condition is recommended to ensure that the development is undertaken in accordance with the provisions contained in the submitted acoustic report.

6.4.9 The proposed college buildings could diminish the outlook of the proposed western block of houses, and also result in a degree of overlooking. However, it is considered that the separation distance of 21m would be sufficient to prevent any significant adverse impacts. Moreover, the detailed design of the proposed college is still to be finalised as part of a reserved matters applications.

6.4.10 The proposed houses would also be located around 150m from the Riverside Sewage Treatment Works. Thames Water have objected to the proposal on the grounds that their works are likely to cause adverse odour impacts to future occupiers. However, the applicants have submitted a report and additional information, which indicates that the proposal would not suffer from significant adverse odour impacts. The applicant's have stated that there have been minimal complaints about odour in the last five years and furthermore that detailed conditions that have been applied to the most recent permission for works at the sewage works which require regular monitoring of odour and emissions with a need for further mitigation built in should the results be unacceptable. The outcome of any further investigation of this issue will be reported orally.

6.4.11 It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided within the site, between adjoining occupiers.

6.4.12 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenities of future occupiers, that the proposal is acceptable and would be in accordance with Policies DC2, DC61, and SSA12 of the LDF and guidance contained in the Residential Design SPD.

6.5 **Environmental Impact**

Contaminated Land and Noise

6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination and to ensure the sound attenuation measures detailed in the submitted acoustic report are adhered to. The Environment Agency have also recommended contaminated land conditions, which would also cover ground water and ecological protection matters. In this particular case, it is recommended that the Environment Agency's contaminated land conditions be imposed, rather than that recommended by the Council's Environmental Health officers.

Flood Risk

6.5.2 According to Havering's Strategic Flood Risk Assessment (SFRA), the site is located in Flood Zone 3. The guidance contained in the NPPF states that proposals involving development in Flood Zones 2 and 3 should be subject

to the Sequential Test, the aim of which is to steer new development onto land at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing.

- 6.5.3 The site under consideration has been specifically designated for housing development to enable the borough to meet its London Plan targets for housing development. Even if there are other sites within the borough that are suitable for housing development and at lower risk of flooding, the site under consideration has been identified as needing to be developed if the borough is to achieve its housing targets. It is therefore considered that the site passes the Sequential Test.
- 6.5.4 The proposal is for a "more vulnerable" use in Flood Zone 3, and the NPPF therefore advises that the Exceptions Test is required in addition to the Sequential Test. In order for the proposal to be acceptable, it must be demonstrated that the development would provide wider sustainability benefits, and a site specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere.
- 6.5.5 The current site is virtually covered by a remaining impermeable slab following demolition of the former warehouse. The existing site therefore drains positively and unrestricted to Pooles Sewer. The new development will result in a permeable area of 0.628 hectares, representing a reduction in the impermeable area of approximately 56.7%. The proposed drainage strategy is also proposed to incorporate SUDS management to enhance water quality and reduce runoff rates and volumes. The Flood Risk Assessment also states that the piped drainage system will be designed not to flood for up to the 30 year storm event. Finished floor levels for footpaths and the proposed dwellings will all be above the 1 in 1000 year modelled flood level ensuring that flood water would not enter buildings and that there would be safe access on foot to New Road during such an event.
- 6.5.6 The proposal would result in the redevelopment of a former warehouse site for housing, in accordance with a site allocation contained in the LDF. The proposal would provide housing, all of which would be affordable and have a highly sustainable design, that would assist the borough in addressing its shortage of housing. It is therefore considered that the proposal would have wider sustainability benefits that outweigh the flood risk considerations. Moreover, the Environment Agency, having considered the submitted Flood Risk Assessment, has raised no objections to the proposal, subject to the use of conditions should planning permission be granted. Providing the flood and drainage related conditions are employed, it is considered that the proposal would be acceptable in flood risk terms, having considered the guidance contained in the NPPF and would not increase flood risk to the site, its occupants and surrounding existing properties.

Ecology

6.5.7 The Environment Agency has requested the creation of a landscaped buffer zone down the eastern side of the site, relating to the adjoining water course. A condition has been recommended requiring the submission of a scheme to ensure that an acceptable, development-free buffer zone is provided, in the interests of enhancing the ecological value of the watercourse. A further condition has also been recommended requiring the approval of details concerning measures to protect and enhance the conditions for water voles. It is recommended that both conditions be imposed, should planning permission be granted. Officers recommend a further condition requiring the approval of details for the installation of bat and bird boxes within the development in order to enhance biodiversity in the area.

6.6 Parking and Highway Issues

6.6.1 The application proposes the creation of a new access from New Road into the northern end of the site, to serve both the proposed development, and the proposed further education campus on the neighbouring site. This is considered adequate for the intended purpose. The access road is subject to a separate application which is currently being discussed with Transport for London.

6.6.2 The application proposes 51 car parking spaces. The proposed car parking provision would therefore equate to 1 space per dwelling, which would be in accordance with the requirements of Policy SSA12. Cycle storage would also be provided, and the site is located within approximately 600m of Rainham railway station putting it within reasonable walking distance.

6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in accordance with Policy DC2 of the LDF. Comments are awaited from the Highway Authority in relation to amendments made to the submitted plans, but these have been made in order to address initial concerns which had been raised..

6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.5 Subject to there being no objections from the Highway Authority, and the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 Community Infrastructure

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The

chargeable floor space of the development is approximately 5769sqm, which equates to a Mayoral CIL payment of £115,380. The applicant may be able to claim exemption for the majority of the new floorspace on the basis that the proposal is for 100% affordable housing, but the onus for claiming exemption rests with the applicant.

6.7.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £229,500 towards infrastructure costs (£4,500 per unit). This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

6.8 Health and Safety Implications

6.8.1 As discussed, the site is located in close proximity to three high pressure gas pipelines. The Health and Safety Executive have advised against the grant of planning permission as a result of the close proximity of at least one of the pipelines to what would be a sensitive land use, should planning permission be granted.

6.8.2 Government Circular 04/2000 advises the decision maker (at paragraph A5) that *"in view of their acknowledged expertise in assessing the off-site risk presented by the use of hazardous substances, any advice from the HSE that planning permission should be refused for development at or near a hazardous installation or pipeline....should not be overridden without the most careful consideration"*

6.8.3 The applicants have submitted a risk assessment report in the form of an addendum to a report which was prepared for the LTGDC in connection with the potential development of this and other sites on the south side of New Road. The report advises that it is principally the Mardyke – Fords Dagenham pipeline which gives rise to the HSE Advise Against recommendation and suggests that risk could be significantly reduced by appropriate mitigation.

6.8.4 The report prepared for the LTGDC indicates that although the site falls within the formal consultation zones that the HSE employ for the Horndon to Barking Pipeline, that a 3km section of that pipeline was relaid to a higher wall thickness, including that to the south of the site. This has been confirmed by the pipeline operator. The result is that the consultation distances for this section of the pipeline would be significantly reduced to the extent whereby the proximity to that pipeline would not generate an Advise Against recommendation in its own right. The site also falls partly within the outer Consultation Zone for the Romford – Baker Street pipeline which is also located within the railway corridor to the south of the site. However, for the purposes of the PADHI system the proposed residential use would not generate an advise against recommendation in its own right.

6.8.5 Contact between the author of the risk report and National Grid when the original report was being prepared identified that National Grid's records

suggest that the Mardyke - Fords Dagenham pipeline may have been installed with a greater wall thickness than the HSE records show. Were that to be confirmed the consultation distances may be reduced.

6.8.6 When the planning application for the College development (U0014.09) was determined the findings of the LTGDC report were taken into account and a condition was imposed requiring the submission and approval of a report on the need for a scheme of pipeline risk mitigation measures and a scheme of protective measures to mitigate such risk (if required). A similar approach was adopted by the Inspector when considering the appeal for the Dovers Corner redevelopment. It is considered that a similar condition could be employed in this case. Should Members be minded to grant planning consent, the HSE will be notified of this as part of a 21 day consultation process following the Committee's resolution on the application.

6.8.7 The HSE advice is an important material consideration to be taken into account and Members must consider this, together with other material considerations in accordance with the advice contained in Circular 04/2000. However, given the circumstances described above, the pressure for new housing and the fact that the Council are required to allow the HSE 21 days in which to decide whether to request that the Secretary of State call-in the application for his own consideration, it would not be unreasonable for Members to grant approval against the advice received from the HSE so far.

6.9 **Sustainability**

6.9.1 The submitted information states that the proposed housing will not only be affordable to rent, but also, as a result of its innovative design, relatively affordable to heat. The construction of the proposed dwellings would involve the use of factory assembled panels that employ a very high level of insulation, including 240mm of mineral wool insulation in the outer walls, in addition to vapour check membranes. Windows would be triple glazed. It is anticipated that the standard of construction would be very high as the units would be constructed in accordance with the German Passivhaus certification system, which has proven successful outside the UK. The high standard of construction would assist in preventing draughts and a loss of heat from the dwellings. The proposed dwellings, in terms of their energy efficiency and sustainability, would exceed Level 4 of the Code for Sustainable Homes (Level 1 being higher than the minimum required by the Building Regulations, and Level 6 being exemplar.)

6.10 **Other Considerations**

6.10.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

6.10.2 English Heritage were consulted about the proposal and heritage assets of archaeological interest may be present within the site and could be affected by the development. A condition has been recommended, which should be imposed should planning permission be granted.

6.10.3 The proposed development would deliver 51 dwellings for affordable rent, the majority in the form of housing. The development would deliver a good range of unit sizes in accordance with London Plan and Havering policies. It is recommended that the requirement for affordable housing be included in the necessary Legal Agreement.

6.10.4 Comments are awaited from the London Fire and Emergency Planning Authority. Members will be updated during the Planning Committee meeting.

7. Conclusion

7.1 The proposal is considered to be acceptable having had regard to Policies CP1, CP17, DC2, DC6, DC7, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations including Policy SSA12. It is recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application p1534.12, all submitted information and plans.